



# House of Representatives

## File No. 788

General Assembly

January Session, 2005

**(Reprint of File No. 205)**

Substitute House Bill No. 6804  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 20, 2005

### **AN ACT CONCERNING RESTAURANT SAFETY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) Not later than October 1,  
2       2005, each food service establishment in the state shall acquire a sign  
3       that describes how to recognize the signs of choking and that  
4       addresses appropriate procedures to be taken if a patron of a food  
5       service establishment is choking. Such sign shall be conspicuously  
6       displayed in such food service establishment within an area where  
7       food operators and any other employee of a food service establishment  
8       can readily view such sign and such food operators and employees of  
9       such food service establishment shall become familiar with the  
10      contents of such sign. Nothing in this section shall be construed to  
11      apply to any catering food service establishment or any itinerant food  
12      vending establishment.

13      Sec. 2. Section 30-22 of the general statutes is repealed and the  
14      following is substituted in lieu thereof (*Effective from passage*):

15      (a) A restaurant permit shall allow the retail sale of alcoholic liquor

16 to be consumed on the premises of a restaurant. A restaurant patron  
17 [may] shall be allowed to remove one unsealed bottle of wine for off-  
18 premises consumption provided the patron has purchased such bottle  
19 of wine at such restaurant and has purchased a full course meal at  
20 such restaurant and consumed a portion of the bottle of wine with  
21 such meal on [the] such restaurant premises. For the purposes of this  
22 section, "full course meal" means a diversified selection of food which  
23 ordinarily cannot be consumed without the use of tableware and  
24 which cannot be conveniently consumed while standing or walking. A  
25 restaurant permit, with prior approval of the Department of Consumer  
26 Protection, shall allow alcoholic liquor to be served at tables in outside  
27 areas which are screened or not screened from public view where  
28 permitted by fire, zoning and health regulations. If not required by  
29 fire, zoning or health regulations, a fence or wall enclosing such  
30 outside areas shall not be required by the Department of Consumer  
31 Protection. No fence or wall used to enclose such outside areas shall be  
32 less than thirty inches high. The annual fee for a restaurant permit  
33 shall be one thousand two hundred dollars.

34 (b) A restaurant permit for beer shall allow the retail sale of beer  
35 and of cider not exceeding six per cent of alcohol by volume to be  
36 consumed on the premises of a restaurant. The annual fee for a  
37 restaurant permit for beer shall be two hundred forty dollars.

38 (c) A restaurant permit for wine and beer shall allow the retail sale  
39 of wine and beer and of cider not exceeding six per cent of alcohol by  
40 volume to be consumed on the premises of the restaurant. A restaurant  
41 patron may remove one unsealed bottle of wine for off-premises  
42 consumption provided the patron has purchased a full course meal  
43 and consumed a portion of the bottle of wine with such meal on the  
44 restaurant premises. The annual fee for a restaurant permit for wine  
45 and beer shall be five hundred sixty dollars.

46 (d) Repealed by P.A. 77-112, S. 1.

47 (e) A partially consumed bottle of wine that is to be removed from

48 the premises pursuant to subsection (a) or (c) of this section shall be  
49 securely sealed and placed in a bag by the permittee or permittee's  
50 agent or employee prior to removal from the premises.

51 (f) "Restaurant" means space, in a suitable and permanent building,  
52 kept, used, maintained, advertised and held out to the public to be a  
53 place where hot meals are regularly served, but which has no sleeping  
54 accommodations for the public and which shall be provided with an  
55 adequate and sanitary kitchen and dining room and employs at all  
56 times an adequate number of employees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	30-22

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

**Explanation**

It is anticipated that State or municipal entities operating food service establishments (e. g., public schools, state-operated residential facilities) will incur negligible costs to obtain and post the required sign.

Those communities having locally established fines may receive additional revenues to the extent that penalties are imposed for non-compliance.

House "A" makes a minor change and has no fiscal impact.

House "B" makes a minor change and has no fiscal impact.

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**OLR Bill Analysis**

sHB 6804 (as amended by House "A" and "B")\*

**AN ACT CONCERNING RESTAURANT SAFETY****SUMMARY:**

This bill requires food service establishments, other than catering establishments and itinerant vendors, to post a sign describing ways to recognize and procedures to follow if a patron is choking. It also revises requirements relating to a patron's ability to take a partially consumed open bottle of wine from a restaurant.

\*House Amendment "A" adds the provision concerning catering and itinerant vendor establishments.

\*House Amendment "B" adds the provision on taking wine bottles from restaurants.

EFFECTIVE DATE: Upon passage

**REQUIRED SIGN**

This bill requires food service establishments to acquire by October 1, 2005, a sign that describes how to recognize choking signs and addresses appropriate procedures to take if a patron is choking. It must be posted conspicuously in an area where food operators and other employees can readily see it. The bill requires food operators and other employees to become familiar with the sign's contents. It provides that it must not be construed to apply to catering or itinerant vendor food establishments.

**BOTTLE OF WINE**

Current law allows a restaurant patron to take from the premises one open bottle of wine if he purchased a full course meal and consumed a part of the bottle with the meal on the premises. The bill instead states that a patron must be allowed to take from the premises one open

bottle of wine if he (1) purchased the bottle at the restaurant, (2) purchased a full course meal at the restaurant, and (3) consumed a part of the bottle with the meal on the premises. The law defines “full course meal” as a diversified selection of food that ordinarily cannot be consumed without using tableware or conveniently consumed while standing or walking.

## **BACKGROUND**

### ***Food Service Establishments and Food Operators***

The Public Health Code defines “food service establishment” as a place where food is prepared and intended for individual service, regardless of whether consumption is on or off the premises or whether there is a charge for the food. It defines “food operator” as a full-time employee who has demonstrated knowledge of safe food handling techniques (Conn. Agencies Reg. § 19-13-B42).

### ***Taking an Open Bottle of Wine from Hotels and Cafes***

The law, unchanged by this bill, allows patrons to take an open bottle of wine from a hotel dining room and a café under the same conditions the law currently establishes for restaurants (CGS §§ 30-21 and 30-22a).

## **COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 15      Nay 0